HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.22011 of 2006

Date: 10-09-2007.

Between :

M/s.Heinz India Private Limited, Secunderabad,
Rep. by its General Branch Sales Manager.

.....Petitioner

And

The Commercial Tax Officer, Musheerabad Circle,
Hyderabad & others.

.....Respondents.

HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.22011 of 2006

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

Appeal is pending before the Tribunal from 2005. Almost 50% of the disputed tax has already been paid. Against the order rejecting the stay application by the Additional Commissioner, this writ petition has been filed. While admitting the writ petition, this Court granted stay of recovery pending disposal of appeal. This order has also been passed almost a year before. Now, a vacate stay petition has been filed, being W.V.M.P.No.2117 of 2007.

We do not think that it will be appropriate at this stage, to vacate the interim order, as the appeal before the Tribunal is ripe for hearing and the petitioner has already deposited about 50% of the disputed tax. Therefore, we dispose of the writ petition with a direction to the Tribunal to dispose of the appeal within a period of

four weeks from the date of receipt of a copy of this order.

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BILAL NAZKI, J

10th September 2007.

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RAMESH RANGANATHAN, J

ajr